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d/b/a Glidewell Laboratories

9 UNITED STATES DISTRICT COURT
10 CENTRAL DISTRICT OF CALIFORNIA
11 SOUTHERN DIVISION

12 JAMES R. GLIDEWELL DENTAL
13 CERAMICS, INC.,

14 Plaintiff,

15 vs.

16 KEATING DENTAL ARTS, INC.,

17 Defendant.

Case No. SACV11-01309-DOC(ANx)

**SECOND SUPPLEMENTAL
DECLARATION OF JAMES SHUCK
IN SUPPORT OF JAMES R.
GLIDEWELL DENTAL CERAMICS,
INC.'S MOTIONS FOR SUMMARY
JUDGMENT**

Hearing

Date: December 17, 2012

Time: 8:30 a.m.

Ctrm: 9D, Hon. David O. Carter

Pre-Trial Conf.: January 28, 2013

Jury Trial: February 26, 2013

18
19 AND RELATED
20 COUNTERCLAIMS.

1 I, James Shuck, declare as follows:

2 1. I am the Vice President of Sales and Marketing James R. Glidewell
3 Dental Ceramics, Inc. d/b/a Glidewell Laboratories ("Glidewell"). I have held this
4 position since 1991. Glidewell is a California corporation with its office located in
5 Newport Beach, California. Unless otherwise stated, I have personal and firsthand
6 knowledge of the facts set forth in this declaration, and I could and would testify
7 competently to such facts if called as a witness.

8 2. Throughout my tenure as Vice President of Sales and Marketing, I
9 have been responsible for developing and approving the marketing content
10 appearing on Glidewell's website (www.glidewelldental.com) regarding
11 Glidewell's products, including its BruxZir brand dental restoration products. I am
12 knowledgeable about this content because it is created by me or under my direction,
13 and I review the content before it is posted to the website.

14 3. Beginning on July 1, 2009, and continuing through (and past) January
15 19, 2010, Glidewell's website stated that "BruxZir Solid Zirconia is a monolithic
16 zirconia restoration with no porcelain overlay." This disclosure now appears at
17 <http://www.glidewelldental.com/bruxzir-zirconia-crowns/features> in substantially
18 the same way that it appeared on Glidewell's website between July 1, 2009 and
19 January 29, 2010.

20 4. Beginning on July 1, 2009, and continuing through (and past) January
21 19, 2010, Glidewell's website stated that BruxZir restorations are "ideal restorative
22 solution for bruxers, implant restorations and areas with limited occlusal space."
23 This disclosure now appears at [http://www.glidewelldental.com/bruxzir-zirconia-](http://www.glidewelldental.com/bruxzir-zirconia-crowns/features)
24 [crowns/features](http://www.glidewelldental.com/bruxzir-zirconia-crowns/features) in substantially the same way that it appeared on Glidewell's
25 website between July 1, 2009 and January 29, 2010.

26 5. Beginning on July 1, 2009, and continuing through (and past) January
27 19, 2010, Glidewell's website stated that "[t]he durability of BruxZir restorations is
28 ideal for bruxers who have broken their natural teeth or previous PFM restorations."

1 This disclosure now appears at [http://www.glidewelldental.com/bruxzir-zirconia-](http://www.glidewelldental.com/bruxzir-zirconia-crowns/features)
2 [crowns/features](http://www.glidewelldental.com/bruxzir-zirconia-crowns/features) in substantially the same way that it appeared on Glidewell's
3 website between July 1, 2009 and January 29, 2010.

4 6. Beginning on July 1, 2009, and continuing through (and past) January
5 19, 2010, Glidewell's website stated that the BruxZir brand restoration, "because of
6 its chip-proof durability, is an ideal solution for bruxers who have destroyed their
7 natural teeth or existing dental restorations." This disclosure now appears at
8 <http://www.glidewelldental.com/dentist/services/all-ceramics-bruxzir.aspx> in
9 substantially the same way that it appeared on Glidewell's website between July 1,
10 2009 and January 29, 2010.

11 7. Beginning on July 1, 2009, and continuing through (and past) January
12 19, 2010, Glidewell's website stated that the BruxZir brand restoration is "[a]n
13 esthetic solution for bruxers when PFM metal occlusal/lingual or full-cast
14 restorations are not desired or when patient lacks the preparation space for a PFM
15 or has broken a PFM in the past." This disclosure now appears at
16 <http://www.glidewelldental.com/dentist/services/all-ceramics-bruxzir-tech.aspx> in
17 substantially the same way that it appeared on Glidewell's website between July 1,
18 2009 and January 29, 2010.

19 8. Beginning on July 1, 2009, and continuing through (and past) January
20 19, 2010, Glidewell's website stated that BruxZir brand restorations are "[v]irtually
21 chip-proof ... [and] are the ideal restoration for bruxers and grinders." This
22 disclosure now appears at
23 <http://www.glidewelldental.com/lab/services/bruxzir.aspx> in substantially the same
24 way that it appeared on Glidewell's website between July 1, 2009 and January 29,
25 2010.

1 I declare under the penalty of perjury under the laws of the United States of
2 America that the foregoing is true and correct, and that this declaration was
3 executed on December 3, 2012, at NEWPORT BEACH, California.

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6 James Shuck
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Glidewell Laboratories v. Keating Dental Arts, Inc.
United States District Court, Central, Case No. SACV11-01309-DOC (ANx)

CERTIFICATE OF SERVICE

I hereby certify that on December 3, 2012, I electronically filed the document described as **SECOND SUPPLEMENTAL DECLARATION OF JAMES SHUCK IN SUPPORT OF JAMES R. GLIDEWELL DENTAL CERAMICS, INC.'S MOTIONS FOR SUMMARY JUDGMENT** with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

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Dated: December 3, 2012

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dba GLIDEWELL LABORATORIES

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